IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.134 OF 2004

Nivrutti Sopan Pawar. ...Petitioner.
Vs.
Union of India & Ors. ...Respondents.
....
Mr. J. M. Tanpure for the Petitioner.
.....
**CORAM : KSHITIJ R. VYAS, C.J. &**
**DR.D.Y.CHANDRACHUD, J.**

**March 21, 2006**.

**P.C.**

The Petitioner, in this petition, has challenged the order dated 19th June 2003 passed by the Central Administrative Tribunal, Mumbai Bench in Original Application No.299 of 1999. Having regard to the reasoning of the Tribunal, we are of the view that the Tribunal has correctly interpreted the order passed by the Apex Court in Civil Appeal No.3332 of 1993 arising out of SLP No.2409 of 1993.

In our opinion, the Hon'ble Apex Court, in the said order, has clearly said that the Petitioner is entitled to back wages from 1st April 1989 till superannuation. In other words, the Petitioner is not entitled to claim any monetary benefits from the date of his

removal, i.e. 31st July 1980 till 1st April 1989. As observed by the Apex Court, “retiral benefits will also be revised accordingly, but if there is any recovery to be made, the same will not be effected”. This would suggest that the Petitioner is not entitled to count the aforesaid period as an active service period and that period is taken off from the period upto his superannuation. In view of this, we see no merit in the petition. The Petition is dismissed.

CHIEF JUSTICE

Dr.D. Y. Chandrachud, J.